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SIPDIS

SENSITIVE
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FOR NEA/ARP, INL/HSTC AND G/TIP

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TAGS: [PHUM](#) [PGOV](#) [ELAB](#) [BG](#) [RP](#) [KU](#) [TIP](#)

SUBJECT: KUWAIT TIP ACTION PLAN REVIEW

REF: A. KUWAIT 1166

[B. STATE](#) 79566

¶1. (U) SUMMARY: During the past sixty days, the GOK has made progress on G/TIP's Short-Term Action Plan (Ref B). The Government of Kuwait (GOK) has drafted anti-TIP legislation, criminalized the withholding of passports, provided concrete examples of TIP criminal prosecution, authorized the establishment of a victim shelter, improved overseas visa issuance procedures, developed methods for identifying TIP victims, and begun a campaign to raise public awareness of this important issue. However, due to the country's annual throttle-back during the torrid summer season, a corresponding parliamentary recess and the impending month of Ramadan, the GOK has not yet passed the new anti-TIP legislation and existing initiatives are likely to advance slowly in the short term. END SUMMARY.

¶2. (U) Since the release of the 2007 Trafficking in Persons Report in June, the GOK has implemented a number of the recommendations outlined in G/TIP's Short-Term Action Plan. On June 20, the Ministry of Justice completed draft legislation specifically addressing TIP-related offenses. This new legislation is comprehensive in scope, and its definition of TIP conforms to international standards. It imposes punishments ranging from 15 years imprisonment to the death penalty for TIP offenses. It clearly addresses contractual fraud, which will now become a TIP crime under Kuwaiti law. It also outlines punishments for those who abet and harbor TIP perpetrators and authorizes the confiscation of property involved in TIP crimes. The bill grants jurisdiction over TIP cases to the Attorney General and the Kuwaiti courts and provides them with authority to remand TIP victims to medical and social institutions, including a victim shelter. The National Assembly's Human Rights Committee will review this legislation when it reconvenes in late October, but Parliamentary approval may take an additional three to four months.

¶3. (SBU) On July 21, the Kuwait Committee to Respond to International Human Rights Reports presented Post with examples of criminal prosecutions for seven TIP-related offenses (Ref A). These cases involved physical and/or sexual abuse of expatriate workers and each resulted in a conviction with a fine and/or a jail term. In 2005, the GOK imprisoned three men for five years and fined them each 1000 dinars (US 3500) for forcing three women into prostitution. In 2004, the GOK sentenced a man to three years in prison for detaining his housemaid for 5 months and physically abusing her. In 2003, the GOK sentenced a police officer to ten years in prison for rape, and it sentenced his two accomplices to seven years each in prison.

¶4. (U) The Kuwait Ministry of Social Affairs and Labor

(MOSAL), and in particular its minister, Shaykh Sabah Al-Khalid Al Sabah, has taken the lead in coordinating Kuwait's anti-TIP efforts. On July 18, MOSAL instituted decree 152, criminalizing the withholding of employee passports (Ref A). This decree institutes punishments comparable to other minor infractions of Kuwaiti labor law; specifically, a warning for the first offense and monetary fines for subsequent offenses. MOSAL Minister Al Sabah was instrumental in obtaining Cabinet support for a victim shelter, which the GOK authorized via Cabinet decree number 562 (Ref A). The GOK has identified a location for the shelter in Kuwait City and the Ministry of Finance Department of Government Property has allocated funds for its establishment. According to MOSAL and the Ministry of Foreign Affairs (MFA), the shelter will house MOSAL social workers and a medical unit and will provide psychological services. Legal experts will also offer assistance to TIP victims. Furthermore, MOSAL produced 12,000 informational brochures about expatriate worker rights and local labor conditions and distributed them to recruitment agencies, Kuwaiti overseas missions and the Kuwait City International Airport (KCIA). Lastly, MOSAL Minister Al Sabah has personally appeared in the media to discuss the importance of human rights and the appropriate treatment of foreign workers.

¶5. (U) During a meeting on August 8, Saud Al-Saeedi, Second Secretary with the MFA's Legal Department, said that Kuwait

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now requires its overseas missions to issue visas directly to incoming domestic workers. Domestic workers are required to appear at the Kuwaiti Embassy, read and sign their labor contract and personally accept delivery of their employment visas. The GOK implemented this procedure to remove the middle man from the visa issuance process, which has sometimes led to steep recruitment fees and heavy financial

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debt for foreign workers prior to arriving in Kuwait. Al-Saeedi also detailed the GOK's existing procedures for identifying TIP victims, particularly those subject to commercial sexual exploitation. He said that police officers currently receive training in identifying victims of sexual exploitation. He added that the Ministry of Interior houses a department which deals with prostitution cases, and members of this department have received specialized training in identifying victims of sexual exploitation. Note: These cases are especially sensitive for Kuwaitis, since the Kuwaiti sponsors are ultimately responsible for the legal status of their employees and can incur heavy financial penalties for any illegal activities in which their domestics engage. End Note.

¶6. (U) In addition, the Kuwait Ministry of Islamic Affairs has taken a keen interest in TIP and has implemented several anti-TIP initiatives. It has created The National Project for Domestic Employee Awareness (the Barirah program), which seeks to reinforce the Islamic values of tolerance and moderation among Kuwaiti sponsors while at the same time educating domestic helpers about Kuwaiti values and their legal rights in Kuwait. Thus far the Barirah program has produced brochures for distribution at KCIA, domestic labor agencies, mosques and co-operative societies. These brochures are printed in Arabic and English, and they include a hotline and a website for further information. Barirah eventually plans to print the brochure in seven languages. Barirah's medium-term objectives include the establishment of a domestic labor training center, awareness raising via television programs and magazines, the creation of a social security fund for foreign workers, and the addition of domestic labor awareness education in school curricula. Its most ambitious objective is to host a Domestic Labor Conference in Kuwait in January 2008, which plans to invite government agencies, diplomats, labor organizations, sociologists, human resource specialists, lawyers and journalists.

¶ 7. (SBU) Post would also like to take this opportunity to address recent media reports concerning Filipino laborers allegedly trafficked to Iraq. The media in both Kuwait and the Philippines have highlighted lurid allegations that the First Kuwaiti General Trading and Contracting Company in 2006 illegally trafficked Filipino workers to Iraq to work on constructing the New Embassy Compound (NEC) for the U.S. government. However, an April 2007 report by the Department of State's Office of the Inspector General found no evidence to support such charges. It stated that third country national (TCN) employees working on the NEC had unrestricted access to their passports, signed valid labor contracts, and were receiving timely compensation. It found acceptable living conditions and no instances of mistreatment among the TCN population. A separate assessment by the Multi-National Force - Iraq Inspector General in December 2006 arrived at exactly the same conclusions - there is no evidence of TIP among the NEC expatriate labor force. Furthermore, on August 12 First Kuwaiti ran a large, front page declaration in the Kuwait Times refuting the trafficking allegations.

¶ 8. (U) Post also notes that Kuwait's efforts during the past 60 days have occurred during a time when most government agencies are severely understaffed. The months of July and August bring extreme heat to Kuwait, and many Kuwaitis vacation overseas during this time. Parliament recesses and many ministries nearly cease to function. However, Kuwait has received our TIP report with serious concern and has taken important, concrete steps despite the inopportune timing. More broadly, legislative and institutional change tends to occur very slowly in Kuwait, often taking several years; however, the Kuwaitis' accomplishments cited above have taken place within the space of only a few months. This rapid pace confirms that the GOK is taking meaningful action in response to the Short-Term Action Plan recommendations, and that it is taking the TIP report seriously. The Department should note, however, that the impending holy month of Ramadan will likely delay many of the initiatives enumerated above in the short term. Comment: Post has found its GOK counterparts to be accessible and reasonably responsive to its requests for TIP-related information during this 60-day evaluation period. End Comment.

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